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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,918	12/13/2001	Егіс Вегга	16124-7	2251
7590 08/04/2004			EXAMINER	
Clifford W. Browning			VU, STEPHEN A	
Woodard, Emhardt, Naughton, Moriarty & McNett			APTIBUT	DARER MER CORR
Bank One Center/Tower			ART UNIT	PAPER NUMBER
111 Monument Circle, Suite 3700			3636	
Indianapolis, IN 46204-5137			DATE MAILED: 08/04/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Comments	10/021,918	BERRA, ERIC				
Office Action Summary	Examiner	Art Unit				
	Stephen A Vu	3636				
The MAILING DATE of this communication apperiod for Reply	pears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a rep If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be tin ly within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 30 A	April 2004.					
2a) ☑ This action is FINAL. 2b) ☐ This	s action is non-final.					
3) Since this application is in condition for allowa closed in accordance with the practice under a						
Disposition of Claims						
4) ☐ Claim(s) 15-29 is/are pending in the application 4a) Of the above claim(s) 21 is/are withdrawn 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 15-17 is/are rejected. 7) ☐ Claim(s) 18-20 and 22-29 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	from consideration.					
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the						
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	• • • • • • • • • • • • • • • • • • • •	· ·				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s)						
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da					
Notice of Dransperson's Patent Drawing Review (F10-946)		atent Application (PTO-152)				

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DETAILED ACTION

Election/Restrictions

Newly submitted claim 21 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the applicant had made an election of species on September 29, 2003 for examination that did not include claim 21.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 21 has been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Walsh.

Walsh shows a seat (12) comprising a base (22) fixed on a support (24) and a device having two flaps (52) mounted at the end of the base of the seat. A mechanism

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(56) is provided for actuating the movement of the flaps and having members acting on levers (34) fixed to the flaps. The mechanism comprises an actuation lever.

Claims 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Alfred et al.

Alfred et al show a seat (12) comprising a base (22) fixed on a support (24) and a device having two flaps (52) mounted at the end of the base of the seat. A mechanism (56) is provided for actuating the movement of the flaps and having members acting on levers (34) fixed to the flaps. The mechanism comprises an actuation lever.

Claims 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Walton.

Walton shows a seat (12) comprising a base (22) fixed on a support (24) and a device having two flaps (52) mounted at the end of the base of the seat. A mechanism (56) is provided for actuating the movement of the flaps and having members acting on levers (34) fixed to the flaps. The mechanism comprises an actuation lever.

Allowable Subject Matter

Claims 18-20 and 22-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

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Applicant's arguments with respect to claims 15-16 have been considered but are moot in view of the new ground(s) of rejection. The applicant has argued that the three prior art are in the medical device area and therefore, are not relevant to the applicant's invention, since it is in the amusement park area. The examiner disagrees with this argument. The applicant's invention is directed to the seat having a pair of leg restraints. The environment as stated in the preamble of claim 15, lines 1-2, is considered to be functional recitation and does not carry any patentable weight.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A Vu whose telephone number is 703-308-1378. The examiner can normally be reached on M-F from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen Vu

Hechen Vu

July 26, 2004

Supervisory Patent Examiner Technology Center 3600